

**IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT**

\_\_\_\_\_  
No. 08-60303  
\_\_\_\_\_

IN RE: TRUMEL KEITH COX

\_\_\_\_\_  
Movant  
\_\_\_\_\_

Motion for an order authorizing  
the United States District Court for the Southern  
District of Mississippi to consider  
a successive 28 U.S.C. § 2254 application

Before PRADO, ELROD, and HAYNES, Circuit Judges.

PER CURIAM:

Trumel Keith Cox, Mississippi prisoner # R3379, moves this court for authorization to file a successive 28 U.S.C. § 2254 application. Cox challenges the execution of his sentence for kidnapping and rape. Cox argues that his good time credits should have been calculated under a law that applies only to prisoners who were sentenced on or before June 30, 2005, and that his credits have been improperly calculated.

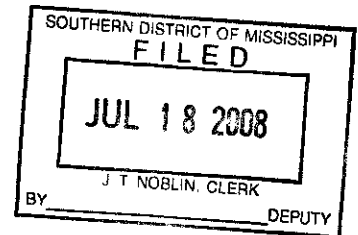
Cox has not shown that his proposed claims involve either newly discovered facts or a new rule of constitutional law made retroactive to cases on collateral review by the United States Supreme Court. See 28 U.S.C. § 2244(b)(2), (b)(3)(C). Cox's claim is based on facts which could have been known to him at the time he filed his first § 2254 application. See, e.g., *Milam v. State*, 578 So. 2d 272, 273 (Miss. 1991). Accordingly, IT IS ORDERED that Cox's motion for authorization to file a successive § 2254 application is DENIED.

U.S. COURT OF APPEALS  
**FILED**

JUL 08 2008

CHARLES R. FULBRUGE III  
CLERK

5:08CV160



A true copy

Attest: JUL 14 2008

Clerk, U.S. Court of Appeals, Fifth Circuit

By Camille Johnson

Deputy

New Orleans, Louisiana



**United States Court of Appeals**

FIFTH CIRCUIT  
OFFICE OF THE CLERK

**CHARLES R. FULBRUGE III**  
CLERK

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600 S. MAESTRI PLACE  
NEW ORLEANS, LA 70130

July 8, 2008

Mr J T Noblin, Clerk  
Southern District of Mississippi, Vicksburg  
United States District Court  
Suite 316  
245 E Capitol Street  
Jackson, MS 39201

No. 08-60303 In Re: Cox  
USDC No. 5:08-CV-160

Enclosed is a certified copy of the judgment issued as the  
mandate.

Sincerely,

CHARLES R. FULBRUGE III, Clerk

By: *Dantrell Johnson*  
Dantrell Johnson, Deputy Clerk  
504-310-7689

cc: w/encl:  
Mr Trumel Keith Cox

MDT-1